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Date: 12 December 2003

To: Examiner Gina C. Yu
US Patent and Trademark Office
Tel. No. 703-308-3951
Fax: 703-308-4242

Subject: USSN 09/744,642
Our Ref.: Beiersdorf 702-HCL

From: Howard C. Lee

Comments: Filing of: Notice of Appeal (2 pgs.); Fee Transmittal (in duplicate); Petition for One Month Extension of Time (2 pgs.)

If you have any questions or need further information, please contact us.

You should receive 7 pages including this cover sheet.

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0851-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** \$440.00**Complete if Known**

Application Number	09/744,642
Filing Date	January 26, 2001
First Named Inventor	Gery Barlag
Examiner Name	Cinn C. Yu
Art Unit	1617
Attorney Docket No.	100718-281/ Belersdorf 702

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																																																													
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: Norris, McLaughlin & Marcus Deposit Account Name: 14-1263 The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		3. 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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Howard C. Lee	Registration No. (Attorney/Agent)	48,104
Signature	Howard C. Lee	Telephone	212-808-0700
		Date	December 12, 2003

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** \$440.00**Complete if Known**

Application Number	09/744,642
Filing Date	January 26, 2001
First Named Inventor	Gers-Barlag
Examiner Name	Gina C. Yu
Art Unit	1617
Attorney Docket No.	100718-281/ Beiersdorf 702

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit
Account
Number

Norris, McLaughlin & Marcus

Deposit
Account
Name

14-1263

The Director is authorized to:

(check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND

Extra Claims				Fee from below		Fee Paid
Total Claims	<input type="text"/>	-30** =	<input type="text" value="0"/>	X	<input type="text"/>	= <input type="text" value="0.00"/>
Independent Claims	<input type="text"/>	-3** =	<input type="text" value="0"/>	X	<input type="text"/>	= <input type="text" value="0.00"/>
Multiple Dependent					<input type="text"/>	= <input type="text"/>

Large Entity		Small Entity		Fee Description		
Fee Code	Fee (\$)	Fee Code	Fee (\$)			
1202	18	2202	9	Claims in excess of 20		
1201	86	2201	43	Independent claims in excess of 3		
1203	290	2203	145	Multiple dependent claim, if not paid		
1204	66	2204	43	** Reissue independent claims over original patent		
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent		
SUBTOTAL (2)				<table><tr><td>(\$)</td><td>\$0.00</td></tr></table>	(\$)	\$0.00
(\$)	\$0.00					

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	150	2051	85	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non - English specification	
1612	2,520	1612	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110.00
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	330.00
1402	330	2402	165	Filing a brief in support of an appeal	
1403	280	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1480	130	1480	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) \$440.00**SUBMITTED BY**

Name (Print/Type)	Howard C. Lee	Registration No. (Attorney/Agent)	48,104	Telephone	212-808-0700
Signature	Howard C. Lee	Date	December 12, 2003		

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PTO/SB/31(06-03)

Approved for use through 7/31/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCESDocket Number (Optional)
100718-281Beiersdorf 702 HCL**CERTIFICATE OF FACSIMILE TRANSMISSION**I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on the 12th day of December, 2003.

Agata Glinka

In re Application of
Heinrich Gers-Barlag et alApplication Number
09/744,642Filed
January 26, 2001For
Emulsifier-Free Finely Dispersed Systems...Art Unit
1617Examiner
Gina C. Yu

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner dated August 13, 2003 finally rejecting claims 1-11.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 330.00 ☐

Applicant claims small entity status. See

37 CFR 1.26. Therefore, the fee amount shown above is reduced by half, and the resulting fee is : \$.

- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 14-1263. I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.36(a) (PTO/SB/22) is enclosed.

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I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- ☐ attorney or agent of record.
Registration _____
- ☒ attorney or agent under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) 48,104

December 12, 2003

Date

(212) 808-0700

Telephone Number

Howard C. Lee
SignatureHoward C. Lee

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.8. This information is required to obtain or retain a benefit by the public which is in file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Communications for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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